

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENDOBOTICS, LLC,)
)
Plaintiff,)
)
v.) C.A. No. 19-381-CFC
)
MEDROBOTICS CORPORATION,)
)
Defendant.)

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO
WITHDRAW AS COUNSEL**

Plaintiff Endobotics, LLC opposes the motion to withdraw as counsel on two narrow grounds. First, defendant Medrobotic Corporation's counsel rejected our proposal that new counsel enter an appearance within a date certain if the Court agrees that current Medrobotic counsel may withdraw. Second, we asked Medrobotic's current counsel to remain of record until new counsel appears, and it again refused.

These requested conditions arise from two concerns. First, in a related Massachusetts case (D.I. 34) Medrobotics has already defaulted. If the payment issues detailed in counsel's motion indicates that Medrobotic intends to default here as well, we should know of this as soon as possible. Second, the parties need to discuss a schedule for the events leading to the November 12, 2020 in the near

future. Plaintiff provided a proposed schedule for claim construction schedule on July 9, 2020. Plaintiff has cooperated with Medrobotic by staying discovery and delaying proceedings due to defendant's financial condition, but the litigation should not be further delayed by an open-ended process for Medrobotics to either appoint new counsel or default.

A proposed order reflecting these concerns is attached.

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